

### C. Remarks

The claims are 12-27, with claims 12 and 16 being independent. Claims 14, 15, 21, 24 and 26 have been withdrawn from further consideration by the Examiner as being drawn to non-elected subject matter. Claims 1-11 have been cancelled without prejudice or disclaimer. Claims 13-15 and 17-26 have been amended as to formal matters. Applicant submits that no new matter has been added. Reconsideration of the present claims is respectfully requested.

Claims 1-4, 6, 7, 10-13, 18, 20 and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Kawata (U.S. Patent No. 6,061,113). Claims 5, 8, 9, 16, 17, 19, 23, 25 and 27 stand rejected under 35 U.S.C. §103(a) as being obvious over Kawata. Applicant respectfully traverses these rejections.

The present application is directed to a liquid crystal composition or device characterized in that a discotic liquid crystal and a rod-shaped liquid crystal are disposed in mutually separate phases, i.e., two-phase-separated liquid crystal. Such an arrangement allows for improved performance characteristics and is very different from any arrangement disclosed or suggested by Kawata.

Kawata discloses an optical compensatory sheet using a discotic liquid crystal compound with which a rod-like liquid crystal compound can be mixed. Column 11, lines 65-67. Kawata suggests only the mixing of these two types of liquid crystal compounds; there is no disclosure or suggestion of the provision of these compounds in separate phases in the same sheet. In fact, the optical compensatory sheet of Kawata essentially requires that a material therefor possesses a mono-domain (homogeneous) characteristic. This is clear from the description at column 12, lines 23-25, which states, in

pertinent part: "The molecules of the liquid crystal compounds should be statistically arranged along a single direction to use the compound in the optical compensatory sheet." For this reason, an orientation layer (disposed on a layer of the liquid crystal compounds) is used as the element that activates the mono-domain characteristic of the discotic liquid crystal compound. Column 12, lines 25-34.

If the liquid crystal layer of Kawata is not homogeneous, the resultant optical compensatory sheet loses its functionality. Accordingly, Applicant submits that it would be appropriate to regard the liquid crystal layer of Kawata as a homogeneous liquid state, regardless of whether it is composed of a discotic liquid crystal compound alone or mixed with a rod-shaped liquid crystal compound. Such a homogeneous liquid state does represent or suggest the two-phase-separated liquid crystal of the present invention.


In sum, Kawata fails to anticipate or render obvious the present invention. More specifically, while Kawata does suggest mixing a discotic liquid crystal compound and a rod-shaped liquid crystal compound to form a homogeneous liquid crystal layer, Kawata does not disclose or suggest a key feature of the present invention, namely the provision of a discotic liquid crystal compound and a rod-shaped liquid crystal compound in separate phases. Accordingly, Applicant submits that the present invention is novel and non-obvious in view of Kawata and respectfully requests withdrawal of the prior art rejections premised upon it.

In view of the foregoing amendments and remarks, favorable reconsideration and passage to issue of the present case is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested

to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
Attorney for Applicant  
Registration No. 42,667

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 358238v1